

APPROVED MINUTES

KITTERY TOWN COUNCIL

January 28, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Ken Lemont.

5. Agenda Amendment and Adoption –

Chairperson Thomson stated he would like to move item 13b to item 9 after the Finance Director's report.

6. Town Manager's Report –

Town Manager Puff noted that the KCC had some flood damage due to a burst pipe. She continued the cause was the same as the previous pipe damage and they had started to diagnose the problem.

Town Manager Puff stated relative to the credibility allegations against the Police Chief, that she had nothing new to report, but was making sure that it was not effecting Kittery's obligations.

Town Manager Puff stated they were holding a customer service training for employees the following day at the KCC and some offices would be closed.

Town Manager Puff indicated they were finalizing a hire for the utility bookkeeper and assistant tax collector.

Town Manager Puff noted they had solicited an RFP to help with the Spruce Creek watershed restoration project and evaluation of the road system.

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Town Manager Puff noted the York County Managers was putting together an advocacy group for legislature relevant to York County.

Town Manager Puff thanked DPW, fire department and police department for their hard work during the blizzard.

Town Manager Puff indicated she had met with Lee Perkins, Library Director, to discuss getting a group together to talk about how a new library effort might unfold and that Ms. Perkins was agreeable with that idea.

Town Manager Puff stated that Council would be meeting with the Eliot Selectman on March 2nd to discuss issues and concerns.

7. Acceptance of Previous Minutes –1/12/15

The minutes of 1/12/15 were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

(010315-1) The Kittery Town Council moves to discuss and give guidance to the Finance Director regarding the Fire Truck Transfer repayments.

Finance Director Cindy Saklad came to the podium and stated they had discovered the schedule for repayment for the fire truck loan was being repaid to the public safety impact fee account. After meeting with the fire chief, it was determined that account did not need to be repaid and that there were other errors in the schedule. She continued that Council had closed some accounts that were supposed to be being repaid and as those accounts no longer existed, the payments had been suspended. Ms. Saklad provided a report on how she thought the funds should be paid back.

COUNCILOR DENNETT MOVED TO SCHEDULE A PUBLIC HEARING ON THE REPAYMENT SCHEDULE FOR THE FIRE TRUCK LOAN ON FEBRUARY 23, 2015, SECONDED BY CHAIRPERSON THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

(010315-4) The Kittery Town Council moves to receive and discuss the Kittery Port Authority's Self-Assessment report.

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Chairperson Thomson noted the KPA had some hard times over the past couple of years and it was looking for a two year period to prove its ability to manage the waterfront and develop a more comprehensive plan for its operations. He continued that they had provided Council with a detailed report and revised by-laws. Councilor Lemont asked if they were looking to change the appointment process. Kelly Philbrook, Chair of the KPA, responded she would like to rotate the responsibility to conduct interviews so that everyone is participating in the process. She continued they had decided to keep the current procedure intact until the Town finalized their changes to appointment procedures. Councilor Lemont asked if they had trouble with getting members to help out. Ms. Philbrook responded that she wanted to make sure people coming on the Board knew they had a job to do and that everyone needed to be involved so the responsibility did not fall on one person. She continued that she was proud of the current members of the KPA and they were very dedicated. Councilor Lemont stated that he thought with Ms. Philbrook's leadership, the KPA was going in the right direction but that he was not comfortable with a two year "probationary" period. He continued that he would like to hear from the KPA on a regular basis. Councilor White stated he thought the report was excellent and liked the idea of spreading the workload and agreed with receiving a report regularly. Councilor Denault echoed Councilor White and Councilor Lemont's statements, but wanted to receive a monthly report to Council to keep them updated on what was going on. Councilor Spiller noted she did not think that Council had the ability to put the KPA on "probation" and wished them the best of luck moving ahead. Councilor Pelletier indicated he thought the by-laws and report were quite satisfactory. He asked how the KPA thought they could better interact with the public going forward. Ms. Philbrook responded they were putting together an action item list to keep the public more informed as to what was going on. Councilor Dennett stated he appreciated the work they had done but asked that the by-laws be reviewed thoroughly and that he thought the biggest help to the KPA would be filling the 3 empty seats. Chairperson Thomson said he would be in contact with Ms. Philbrook the following week to set up interviews.

10. PUBLIC HEARINGS -

a. (010315-2) The Kittery Town Council moves to hold a public hearing on an application from Shri Ganesh, Inc., 841 Main Street, Reading, MA for a Victualer's License for Kittery Food Mart, 2 Shapleigh Road.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on January 16, 2015. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM SHRI GANESH, INC., 841 MAIN STREET, READING, MA FOR A VICTUALER'S LICENSE FOR KITTERY FOOD MART, 2 SHAPLEIGH ROAD, SECONDED BY COUNCILOR WHITE.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (010315-3) The Kittery Town Council moves to hold a public hearing and act on proposed amendments to Title 16, Chapter 16.9 of the Kittery Town Code as recommended by the Planning Board.

Chris DiMatteo, Town Planner, came to the podium and stated this public hearing was relative to Chapter 16.9.3.8, expiration of wetlands alteration approval, and had been accidentally omitted from the previous public hearing on Chapter 16.

Chairperson Thomson noted this hearing was advertised in the local, printed media on January 16th. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR SPILLER MOVED TO HEREBY ORDAIN AMENDMENTS TO CHAPTER 16, SECTION 16.9.3.8 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

Councilor Dennett went over his issues and noted they had not reached uniformity as was expected. He continued he thought this should be sent back to the Planning Board for revisions. Councilor White responded this item had been edited multiple times and thought they should put it through that evening.

COUNCILOR WHITE MOVED TO AMEND THE MAIN MOTION TO AMEND ITEM B UNDER 16.9.3.8 AND ITEM C UNDER 16.10.1.4 TO BE ONE IN THE SAME, USING C AS A MODEL, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett stated he did not agree with the motion and thought at the least, Item D should be included in the motion.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

11. Discussion

a. Discussion by members of the public –

Milton Hall came to the podium and stated that he had received a call from one of his tenants who complained the sidewalk plow had pushed the snow from the road into her driveway. He asked that this be addressed.

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Norm Albert, DPW Commissioner, came to the podium and stated that he wanted to thank all of the departments for their work during the storm and thanked the residents for staying off the roads. He asked residents to check Channel 22 and the Town website to see if places in town were open to eliminate some of the phone calls they were receiving during storms. Mr. Albert also asked the public to not snowshoe or cross country ski during storms as it was hard for vehicles to see them. He noted he would speak to the sidewalk plow driver about keeping the snow out of people's driveways.

b. Response to public comment directed at a particular Councilor – None

c. Chairperson's response to public comments – None

12. UNFINISHED BUSINESS –

(120114-1) The Kittery Town Council moves to ordain proposed amendments to Title 16, Chapters 16.10, 16.2, 16.3, 16.7 and 16.8 of the Kittery Town code as recommended by the Planning Board.

Chairperson Thomson noted these amendments were heard at the December 8th meeting and the hearing had been opened and closed but no formal action had been taken. Councilor Dennett indicated it was his opinion that all sections should be voted on separately.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.10.9.1.4 OF THE KITTERY TOWN CODE, AND CHANGING LINE 42 TO READ "ONE (1)", SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.2.2 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

Councilor Dennett noted that he did not understand these issues and would be abstaining from all further votes on these amendments.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 6/0/1.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.3.2.13 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

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A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 6/0/1.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.7.3.5.6 THROUGH 16.7.3.6.1 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 6/0/1.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.8.28.1 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 6/0/1.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN DELETION OF CHAPTER 16.10.9.1.5 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 6/0/1.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - None

b. (010315-4) The Kittery Town Council moves to receive and discuss the Kittery Port Authority's Self-Assessment report – See Item 9

c. (010315-5) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (010315-6) The Kittery Town Council moves to schedule a public hearing in accordance with MRS Title 17 Section 2851 Dangerous Buildings, to consider the condition of the building located at 40 Old Post Road, Map 8 Lot 25 and to take any appropriate action.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING IN ACCORDANCE WITH MRS TITLE 17 SECTION 2851 DANGEROUS BUILDINGS, TO CONSIDER THE CONDITION OF THE BUILDING LOCATED AT 40 OLD POST

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ROAD, MA9 8, LOT 25 AND TO TAKE ANY APPROPRIATE ACTION ON MARCH 9, 2015, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (010315-7) The Kittery Town Council moves to re-appoint Maryann Place as the Registrar of Voters until 12/31/16.

COUNCILOR PELLETIER MOVED TO RE-APPOINT MARYANN PLACE AS THE REGISTRAR OF VOTERS UNTIL 12/31/16, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 6/0/1.

14. COUNCILOR ISSUE OR COMMENT

Councilor Denault listed the residents who had passed in the previous months including Mary Pelletier, Alfred Lebrun, Dominic Zangari, Norman Averill, Marcia Gibbons, Thomas Smith, James Chisholm, Bonnie Starkey, Eva Blake, Anna Watts, Roland Tuttle, Rita Turner, Arnold Bartlett, Richard Barbieri, Daniel Lenehan, Pauline Burditt, Alfred Wenck, Helen Hendrickson, Lois Cloutier and Josephine Michaud.

Councilor Pelletier asked about the status of the Comprehensive Plan Update Committee. Councilor White stated that the Committee had been on hiatus for a couple of months. He continued that the State's timeframe had run out so it could not be considered an update anymore and would have to be essentially a whole new plan. Councilor White noted that they were considering sending out the project to a paid consultant if they could find the funds and asked if Council would consider allocating the funds or if it could be put into the budget. Councilor White indicated \$60,000 had been allocated for the last plan but was unsure of what the cost of a new plan would be. He continued the Committee was eager to move forward but were unclear as to whether they could produce the type of product needed. Councilor White stated they would be meeting the next month.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Thomson stated he thought it was time to have the commander or public works caption for the Navy Yard to come to a Council meeting to discuss the traffic at the Yard.

Chairperson Thomson noted there was a workshop scheduled with the CIP Committee the following Monday at 6:00 and a workshop relative to the Foreside working groups at 7:15.

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- b. Committee Reports – None
- 16. EXECUTIVE SESSION – None
- 17. ADJOURNMENT

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY
COUNCILOR SPILLER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:47
P.M.**